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PATENT APPLICATION

ATTORNEY DOCKET NO. 10971798-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Dave Goh, et al.

Application No.: 09/102,207

Filing Date: June 22, 1998

Confirmation No.: 1530

Examiner: David Donald Davis

Group Art Unit: 2627

Title: WEB SERVER CHIP FOR NETWORK MANAGEABILITY

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on September 21, 2006 .

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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Respectfully submitted,

Dave Goh, et al.

By

Douglas L. Weller

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Rev 10/06a (ReplyBrf)

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COMMISSIONER FOR PATENTS
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Sir:

REPLY BRIEF

Appellant herein replies to points raised in the Examiner's Answer for the above-identified case.

ARGUMENT

A. Arguments raised by Examiner in Examiner's Answer:

In the Examiner's Answer, dated September 21, 2006, beginning on page 9, the Examiner responds to arguments made by Appellant. Appellant has responded to these arguments in the Appeal Brief dated April 27, 2006,

beginning on page 10. Since Appellant has responded to the entirety of these arguments in the Appeal Brief, Appellant does not repeat the full refutation herein. However, for completeness, Appellant herein makes brief short replies to specific erroneous statements and wrong assumptions made by Examiner.

1. Receipt of packets by the processor

The Examiner makes the following statement in the Examiner's Answer at page 10:

> The *claimed invention* only requires the embedded processor to send manageability information for transmission over the computer network and perform network management functions independent of the host processor. The claims do not require the processor to received packets or any other communications over a network.

The Examiner is correct in asserting that claim 1 does not specifically state the processor is required to receive packets over a network. However, claim 1, states the embedded processor is programmable to function as a manageability web server, communicate with the host interface and obtain manageability information about the network device. As discussed in the Appeal Brief, a web server is required to respond to requests sent over a network. Thus, if logic 400 were programmed to function as a manageability web server, it would be expected that this capability would be within logic 400.

1. Existence of Bidirectional arrows in Figure 4 of *Cromer* are not sufficient to show logic 400 functions as a manageability web server

The Examiner makes the following statement in the Examiner's Answer at page 10:

> Figure 4 clearly shows bidirectional arrows indicating bidirectional communications (i.e. send and received packets and other communications) over the network. Therefore, contrary to appellant's incorrect interpretative conclusory statement, processor 400 of Cromer does function as a manageability web server, which is not unlike appellant's *claimed and disclosed invention.* (italics in the original)

The Examiner has misinterpreted what is shown by *Cromer* in Figure 4. In the Appeal Brief, Appellant very specifically points out what *Cromer* teaches about the arrows drawn between packet logic 400, physical layer 304 and MAC 308. For the sake of brevity, that discussion is not repeated here.

Appellant herein only addresses the hasty conclusion made by Examiner. Specifically, the Examiner has argued that the existence of bidirectional arrows in Figure 4 in *Cromer* proves that packet logic 400 shown in Figure 4 of *Cromer* functions as a manageability web server.

As discussed more fully in the Appeal Brief, packet logic 400 monitors logic signals from client system 104, detects states, creates packets, and sends data over the MII bus to physical layer 304. See *Cromer* at column 3, lines 44 through 47. Nowhere does *Cromer* disclose or suggest that packet logic 400 functions as a manageability web server. The existence of arrows in Figure 4 would not disclose or suggest to a person of ordinary skill in the art that packet logic 400 shown in Figure 4 of *Cromer* functions as a manageability web server.

Examiner appears to be reading into *Cromer* functionality that is neither disclosed by *Cromer* nor compatible with *Cromer*.

1. Existence of Bidirectional arrows in Figure 4 of *Cromer* are not sufficient to show logic 400 communicates with media access controller 308

The Examiner makes the following statement in the Examiner's Answer at page 10 and 11:

> In the action mailed January, 12, 2005 it was stated in response to the same assertion presented, supra, that Cromer in "figure 4 clearly shows data lines being bi-directional between embedded processor 400 and media access controller (MAC) 308 as required by the pending claims." It is curious that appellant has not traversed (i.e. a formal denial of one material fact that contradicts) the preceding statement. Appellant, however, has chosen to ignore the preceding statement and rely *solely* on the written specification, which appellant purports to be silent on processor 400 communicating with the MAC 308. The disclosure of Cromer includes more than the written specification. It also includes the drawings. The disclosure, specifically the drawings, contrary to appellants assertion, does in fact show and suggest processor 400 and MAC 308 communicating with each other. (italics in the original)

The Appellant has addressed these arguments fully in the Appeal Brief beginning at page 11. There Appellant points out that the drawings, interpreted in light of teaching in the text of *Cromer*, indicate communication between packet logic 400 and physical layer 304. *Cromer* does not disclose or suggest communication between packet logic 400 and media access controller 308.

Interpreted in a vacuum, arrows on a drawing can mean just about anything. It is necessary to consult the text of *Cromer* to determine what

Cromer is trying to indicate by the arrows shown in Figure 4. Once the text of *Cromer* is consulted, it is clear that the arrows shown in Figure 4 do not disclose or suggest communication between packet logic 400 and media access controller 308.

1. Microcontroller 502

The Examiner makes the following statement in the Examiner's Answer at page 11.

> ...Appellants statements in section D.2.a on page 11 are incorrect. Not only does Cromer show non-volatile memory 504 in figure 5, but Cromer shows microcontroller 502. Microcontrollers include a CPU core and memory (ROM or Flash memory, which is non-volatile memory) for the program, which is a plurality of executable instructions.

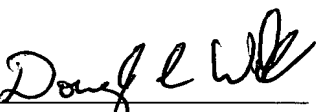
The Examiner is correct in asserting that microcontrollers can include a CPU core and memory. However, the Appellant's arguments do not deny this but rather point out that packet logic 400 disclosed by *Cromer* does not act as a manageability web server and is not even capable of acting as a web server.

As shown by Figure 5 of *Cromer*, logic 400 has relatively modest processing capability and there is no indication from Figure 5 (or any other information within *Cromer*) that would lead one of ordinary skill in the art to suppose that logic 400 is functioning as, or would be capable of functioning as, a web server. Appellant further addresses this issue in the Appeal Brief.

CONCLUSION

For all the reasons discussed above and in the Appeal Brief, Appellant believes the rejection of the claims was in error and respectfully requests that the rejection be reversed.

Respectfully submitted,
DAVE GOH, ET AL.

By 
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